

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSH McCLOUD,)	
)	
Petitioner,)	Civil Action No. 11-02E
)	
v.)	Judge Maurice B. Cohill/
)	Magistrate Judge Maureen P. Kelly
GERALD ROZUM; and THE ATTORNEY)	
GENERAL OF THE STATE OF PENN-)	
SYLVANIA)	
)	
Respondents.)	

MEMORANDUM ORDER

The above-captioned *pro se* prisoner habeas petition was received by the Clerk of Court on January 3, 2011, and was referred to Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Magistrate Judge Baxter's Report and Recommendation, ECF No. [5], filed on February 17, 2011, recommended that Petitioner's motion for leave to proceed *in forma pauperis* be denied. Service of the Report was made on the Petitioner at his address of record. Petitioner was informed that, in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and the local rules, he had a specific period of time in which to file his objections. Petitioner filed no objections.

After the filing of the Report, this case was referred to Magistrate Judge Maureen P. Kelly. ECF No. [6].

After *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 5th day of July, 2011,

IT IS HEREBY ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. [5], filed on February 17, 2011, by Magistrate Judge Baxter, is adopted as the opinion of the Court. Petitioner is hereby ordered to pay the \$5.00 filing fee by July 18, 2011 or the case will be dismissed for failure to prosecute.

Maurice B. Cohill, Jr.
Maurice B. Cohill
United States District Judge

cc:

JOSH MCCLOUD
GX2050
SCI SOMERSET
1600 WALTERS MILL ROAD
SOMERSET, PA 15510